HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.10980 OF 2006

Between:

M/s.Shiva Rama Krishna Finance

. . .Petitioner

AND

A.P. State Consumer Disputes
Redressal Commission, Hyderabad and others

. . .Respondents

Counsel for the petitioner : Sri C.Ramesh Sagar

Dated: 2nd August, 2006

: ORDER :

PER G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for quashing order dated 17.12.2004 passed by District Consumer Forum, Karimnagar (for short, 'the District Forum') in Consumer Dispute No.86 of 2001.

The main ground on which the petitioner has challenged the order of the District Forum is that the complaint filed under Section 12 of the Consumer Protection Act, 1986 (for short, 'the 1986 Act') was not maintainable in view of the provisions contained in the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (for short, 'the 1999 Act').

We have heard learned counsel for the petitioner and perused the record. In our opinion, the writ petition is liable to be dismissed because the question whether a complaint under Section 12 of the 1986 Act could be maintained in the face of the provisions contained in the 1999 Act was considered in Writ Petition No.14183 of 2006 – **Katipalli Narasimha Reddy v. Andhra Pradesh State Consumer Disputes Redressal Commission and others** decided on 13th July, 2006, and answered in the affirmative.

There is another reason for dismissal of the writ petition, namely, non-impleadment of the complainant – Gattu Shirisha Rani as party to the writ petition.

In view of the above, the writ petition is dismissed. The detailed reasons recorded in Writ Petition No.14183 of 2006 shall be read as

part of this order.

However, liberty is given to the petitioner to avail remedy under Section 15 of the 1986 Act. Needless to say that if the petitioner files appeal against the order of the District Forum and the Andhra Pradesh State Consumer Disputes Redressal Commission considers it appropriate to entertain the same, then the complainant shall be entitled to oppose the same on all legally permissible grounds.

As a sequel to dismissal of the main petition, interim order dated 30.05.2006 shall stand automatically vacated and W.P.M.P.No.13677 of 2006 shall stand dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 02.08.2006

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